



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2016

CORAM:

WEB COPY

**THE HONOURABLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE S.NAGAMUTHU**

W.P. (MD) .No.18758 of 2015

H.M.S.Colony Kudiyirupoor Nala Sangam,
Reg. No.(52/97),
rep. by its President,
K.Marimuthu,
S/o.M.Krishnasamy
Rajaganapathy Complex,
Theni Road,
Madurai -16.

.. Petitioner

Vs.

1. The District Collector,
O/o.the District Collectorate,
Madurai.
2. The Commissioner,
Madurai Corporation,
Aringnar Anna Maligai,
Madurai -2.
3. V.Shyamala
4. S.Muniyaandi

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondent Nos.1 and 2 to initiate appropriate action to remove unauthorized construction made by the respondent Nos.3 and 4 and others in the place earmarked for Children Park (Survey No.122 to an extent of 1353 Sq.Mts.), Community hall and Motor Room (Survey No.120/5 to an extent of 477 Sq.Mts.), Park (Survey No.110 to an extent of 2651 Sq. Mts.), open space (Survey Nos.110, 123, 124, 125 to an extent of 1226 Sq. Mts.) and commercial Shops (Survey Nos.110, 123, 124, 125 to an extent of 839 Sq. Mts.) in the petitioner's colony and consequently to direct the respondents to restore it as a Children's Park, Community Hall and Motor Room within a stipulated period.

<https://hcservices.ecourts.gov.in/hcservices/>

(Prayer amended as per the order of this Court dated 01.12.2016 made in M.P. (MD) .No.1 of 2015)



For Petitioner : Mr.T.Lajapathi Roy
For 1st respondent : Mr.M.Govindan,
Special Government Pleader
For 2nd respondent : Mr.R.Murali
For 3rd respondent : No appearance
For 4th respondent : Mr.S.Parthasarathy

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ORDER**[Order of the Court was made by The Hon'ble The Chief Justice]**

The allegation of the petitioner is that the third and the fourth respondents have encroached upon the land earmarked for Public purposes, like Children Park and Community Hall.

2. We direct the second respondent to carry out an inspection of the area within 15 days from the date of receipt of the order to verify the allegations made in the petition and if encroachment is found, action, in accordance with law, be taken after notice to all concerned and proceedings concluded within a maximum period of three months thereafter. The petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
O/o.the District Collectorate, Madurai.

2. The Commissioner,
Madurai Corporation,
Aringnar Anna Maligai,
Madurai -2.

+ 1 CC TO Mr.R.MURALI, ADVOCATE IN SR No. 78567
+ 1 CC TO Mr.T.LAJAPATHI ROY, ADVOCATE IN SR No. 78455
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 78974

GSV/GB
TE/GSV-PM : 23/12/2016 : 2P/6C

ORDER MADE IN
W.P. (MD) .No.18758 of 2015
Dated:
01.12.2016